



# Town of Merrimack, New Hampshire

Community Development Department

6 Baboosic Lake Road

Town Hall - Lower level - East Wing

Planning - Zoning - Economic Development - Conservation

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## RESULTS OF MERRIMACK PLANNING BOARD

TUESDAY, SEPTEMBER 7, 2021

**Planning Board members present:** Paul McLaughlin; Jaimie von Schoen; Lynn Christensen (arrived at 7:05); Barbara Healey (Town Council Ex-Officio) & Alternate Nelson Disco

**Planning Board members absent:** Robert Best & Neil Anketell

**Staff present:** Tim Thompson, AICP, Community Development Director

### 1. Call to Order

*Paul McLaughlin called the meeting to order at 7:00 p.m., and designated Nelson Disco to sit for Neil Anketell.*

### 2. Planning & Zoning Administrator's Report

*The Board voted 4-0-0 to determine that the Governors Hill Lot Consolidation/Lot Line Adjustment is not of regional impact, on a motion made by Nelson Disco and seconded by Barbara Healey.*

### 3. Annual Meeting - Election of Officers & Review of Rules of Procedure

*The Board voted 3-0-1 to elect Bob Best as Chair and Paul McLaughlin as Vice Chair on a motion made by Nelson Disco and seconded by Barbara Healey. Paul McLaughlin abstained.*

*Lynn Christensen arrived at 7:05 p.m.*

*The Board voted 5-0-0 to amend the Rules of Procedure as recommended by staff on a motion made by Nelson Disco and seconded by Lynn Christensen.*

### 4. John Flatley Company (applicant/owner) - Continued review of a Site Plan to construct a 120,000 sq.ft. warehouse/distribution building, per the requirements of the Flatley Mixed Use Conditional Use Permit. The parcel is located at 707 Daniel Webster Highway in the I-1 (Industrial) District and Aquifer Conservation area. Tax Map 6E, Lot 003-06. Case #PB2021-24. **This item is continued from the June 15, July 20, and August 17, 2021 Planning Board meetings.**

*Nathan Chamberlain, Fieldstone Land Consultants and Kevin Walker, John J. Flatley Company, presented the application.*

*The Board voted 5-0-0 to grant a waiver to Section 3.13.e.3.ii (lighting levels at property lines), on a motion made by Nelson Disco and seconded by Barbara Healey.*

*The Board voted 3-2-0 to grant a waiver to Sections 4.12.c.18.viii (identification of trees greater than 15" in diameter on the existing conditions plan), on a motion made by Nelson*

***Disco and seconded by Lynn Christensen. Barbara Healey and Jaimie von Schoen voted in opposition.***

*There was no public comment.*

***The Board voted 5-0-0 to grant conditional final approval on a motion made by Nelson Disco and seconded by Lynn Christensen.***

5. **John Flatley Company (applicant/owner)** – Continued review of a Site Plan to construct an internal access road per the requirements of the Flatley Mixed Use Conditional Use Permit. The parcels are located at 645, 673, 685, and 703 Daniel Webster Highway in the I-1 (Industrial) District and Aquifer Conservation area. Tax Map 6E, Lots 003-01, 003-03-05. Case #PB2021-29. **This item is continued from the July 20 and August 17, 2021 Planning Board meetings.**

*Nathan Chamberlain, Fieldstone Land Consultants and Kevin Walker, John J. Flatley Company, presented the application.*

***The Board voted 4-1-0 to grant a waiver to Sections 4.12.c.18.viii (identification of trees greater than 15" in diameter on the existing conditions plan), on a motion made by Nelson Disco and seconded by Barbara Healey. Nelson Disco voted in opposition.***

*Public comment was received from Richard Foote, 129 Indian Rock Road.*

***The Board voted 5-0-0 to grant conditional final approval on a motion made by Lynn Christensen and seconded by Barbara Healey.***

6. **TC Boston Development, Inc. (applicant) and Rykel Company, Inc. (owner)** – Review for acceptance and consideration of a Site Plan to construct a 323,750 s.f. warehouse/distribution facility & associated site improvements. The parcel is located at 50 Robert Milligan Parkway in the I-1 (Industrial) and Aquifer Conservation Districts. Tax Map 2D, Lot 078. Case #PB2021-32. **This item is continued from the August 17, 2021 Planning Board meeting.**

*Applicant was represented by: Austin Turner, Bohler Engineering and Elisha Long, Trammell Crowe.*

***The Board voted 4-1-0 to deny a waiver to Section 3.12.d.2.ii (Building Design Standards – Facades), on a motion made by Nelson Disco and seconded by Barbara Healey. Lynn Christensen voted in opposition.***

***The Board voted 5-0-0 to grant a waiver to sections 3.07.a.1 (Storm Drain System) due to the manner in which NHDES is requiring the applicant to model the stormwater on the site for the AOT Permit (in actuality the runoff will not be increased at the driveway), on a motion made by Lynn Christensen and seconded by Nelson Disco.***

***The Board voted 5-0-0 to grant waivers to Sections 3.11.l.1 (Internal Parking Lot Landscaping), and 4.12.c.18.viii (identification of trees greater than 15" in diameter on the existing conditions plan), on a motion made by Nelson Disco and seconded by Lynn Christensen.***

*There was no public comment.*

***The Board voted 5-0-0 to grant conditional final approval, on a motion made by Barbara Healey and seconded by Lynn Christensen.***

7. **Madi Choueiri (applicant) and 480 DW Highway-Choueiri Realty (owner)** - Review for consideration of Final Approval for a waiver of full site plan review to allow for a previously approved, but expired, site plan (under the former regulations) to utilize an existing structure for a restaurant located at 480 D.W. Highway in the C-1 (Limited Commercial), Elderly and Town Center Overlay and Aquifer Conservation Districts. Tax Map 5D-3, Lot 046. Case #PB2021-34.

*Applicant Madi Choueiri, presented the application.*

*There was no public comment.*

***The Board voted 5-0-0 to reinstate the 2016 final approval on a motion made by Lynn Christensen and seconded by Jaimie von Schoen.***

8. **Governors Hill Corp (applicant/owner)** – Review for consideration of an amendment to a previously approved Subdivision Plan to consolidate 13 lots into 5 reconfigured lots. The parcels are located on Claire, Level, Louie and Robert Streets and Acre Lane in the R-4 (Residential) and Aquifer Conservation Districts. Tax Map 6D, Lots 065, 075-079, 081, 124 & 125 and Tax Map 7D, Lots 057, 058, 062 & 063. Case #PB2021-35.

*Applicant was represented by: Matt Peterson, Keach-Nordstrom Associates.*

***The Board voted 5-0-0 to accept the application as complete, on a motion made by Barbara Healey and seconded by Nelson Disco.***

*Public comment was received from Ashley Cardin, 15 Page Drive.*

***The Board voted 5-0-0 to grant conditional final approval, on a motion made by Lynn Christensen and seconded by Jaimie von Schoen.***

9. **Discussion/possible action regarding other items of concern**

***The Board voted 5-0-0 to recommend to the Town Council that a building permit be authorized for 312 Baboosic Lake Road per the requirements of RSA 674:41, on a motion made by Lynn Christensen and seconded by Barbara Healey.***

10. **Approval of Minutes — August 17, 2021**

***The Board voted 2-0-3 to approve the minutes of August 17, 2021 as submitted, on a motion made by Lynn Christensen and seconded by Nelson Disco. Barbara Healey, Paul McLaughlin, and Jaimie von Schoen abstained.***

11. **Adjourn**

***The Board voted 5-0-0 to adjourn at 9:18 p.m. on a motion made by Barbara Healey and seconded by Jaimie von Schoen.***